

#### 4 – SANITATION

Compilation Number	Ordinance Number	Subject
4-1	1084 as amended by 1347, 1612 and 2008	Sewage Disposal
4-2	[Repealed]	
4-3	[Repealed]	
4-4	[Repealed]	
4-5	[Repealed]	
4-6	1678 as amended by 1972	Sewer Connection Fees
4-7	1692	Industrial Waste Cost Recovery
4-8	[Repealed]	
4-9	1790 as amended by 2008 and 2074	Waste Discharge Regulations
4-10	[Repealed]	
4-11	2058	Sewer Capacity Fees
4-12	[Repealed]	
4-13	2157 as a amended by 2164, 2171, 2174 and 2286	Sewer Charges
4-14	2176	Sewer Use Ordinance
4-15	2242	Cross Connection Control/ Backflow Prevention Procedures

## ORDINANCE NO 1084

AN ORDINANCE RELATING TO DISPOSAL OF SEWAGE, WASTE, AND FILTH; THE DRAINING OF ROOF WATER AND CRAWL SPACE; REQUIRING SEWER CONNECTIONS; DECLARING CERTAIN DEPOSITORIES OF WASTE AND FILTH TO BE NUISANCES; PROVIDING FOR ABATEMENT THEREOF AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF THE COST OF ABATING SUCH NUISANCES; REPEALING ORDINANCES NO. 776, 963, AND 971; AND PRESCRIBING PENALTIES.

## THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

**Section 1.** That no privy vault or cesspool will be permitted within the city of Woodburn and the owner, owners, renters, or occupants of property upon which is located a privy vault or cesspool shall cease to deposit or cause to be deposited or permit to be deposited therein sewage, waste, or other drainage matter.

**Section 2.** That the owner or owners of property within the corporate limits of the city of Woodburn, which property is used by human beings for residential, educational, religious, business, industrial, or other purposes and is within 100 feet of a city sewer declared by the common council of the city of Woodburn to be a sanitary sewer adequate for the disposal of raw sewage, will cause the property to be connected to said sewer at the expense of the owner or owners of said property and that all raw sewage, wastes, and drainage matter shall be deposited directly into the city sewer, except as otherwise provided herein.

**Section 3.** That no person shall cause or permit any of the following to flow into, or to be disposed of in, the sanitary sewer system of the city of Woodburn.

- (1) Temporary or permanent drainage of excavations.
- (2) Drainage from roofs, storm sewers, or storm drains.
- (3) Greases, oils, or sludge from service stations, garages, repair shops, machine shops, cleaning establishments, or other industries or establishments.
- (4) Explosives, volatile or inflammable liquids and gases.
- (5) Acids, alkalis, or other corrosive liquids or substances of sufficient strength to damage sewers, manholes, pumping stations, or treatment plant equipment.
- (6) Paints or waste products from paint manufacture.
- (7) Cannery or industrial wastes other than as specified in Subsection (17) of this section.
- (8) Any substance which will form deposits or obstructions in the sewer system, or which, when mixed with sewage, will precipitate materials causing deposits in sewer lines.

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- (9) Ashes, cinders, sand, earth, coal, rubbish or metals of any kind.
- (10) Live steam, exhaust steam or water having a temperature above 140°
- (11) Cull fruits or vegetables, or pits or seeds from peaches, apricots, cherries, prunes, pumpkins, squash, or nuts of any kind, unless properly processed through a properly constructed and installed garbage disposal unit.
- (12) Stable or barn manure.
- (13) Effluent from septic tanks or dry wells.
- (14) Offal from slaughter houses.
- (15) Dead animals, or fowl or fish.
- (16) Sulphate or sulphite liquor.
- (17) Effluent waste water from food processing plants, unless it has been passed through a 20-mesh screen prior to entry into the sewer system.

**Section 4.** Grease, oil and sand traps and settling basins shall be provided by property owners in connection with sewer inlets when, in the opinion of the city engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, flammable wastes, sand or other harmful ingredients, except that such traps and settling basins shall not be required for private living quarters or dwelling units. All such traps and settling basins shall be of a type and capacity approved by the city engineer and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil and sand traps and settling basins shall be maintained by the owner, at his expense, in continuously efficient operation. [Section 4 added by Ordinance No. 1347, §1, passed February 26, 1973.]

**Section 5.** That all construction, reconstruction, remodeling and repair commenced after the effective date of this ordinance shall comply with the following:

- (1) All crawl spaces provided in connection with buildings or building types shall be leveled and graded to a drain inlet, from where positive drainage shall be secured at all times. The drain inlet shall be protected by a gravel bed or a catch basin with corrosion-resistant screening 4 mesh per inch, applied over tile end. Drain lines from this area to the storm sewer, gutter, ditch or other permanent adequate outfall shall consist of cast iron, vitrified clay, concrete, cement, asbestos or bituminized fibre, sealed joint type of adequate size but not less than four inches in diameter, laid with a slope of not less than ¼ inch per foot.

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(2) All downspouts shall be connected to underground drain lines extended to the storm sewer, street gutter, ditch or other permanent adequate outfall. Drain lines shall be of cast iron, vitrified clay, concrete, cements asbestos or bituminized fibre, sealed joint pipe of adequate size, but not less than three inches in diameter, laid with a slope of not less than ¼ inch per foot.

(3) All pipe shall be laid on a good firm foundation with ends abutting and true to a line and grade. Backfilling in trenches shall be carefully deposited and solidly tamped to avoid settlement.

(4) When sheet metal downspouts are connected to underground drain lines, such drain lines shall extend above the finish grade and the joint between downspout and drain line shall be sealed.

(5) Drain lines from downspouts may be interconnected or connected to the drain line from the crawl space. The point of connection between downspout drain line and crawl space drain line shall be at least 10 feet downstream from the dwelling and at least six inches below the drain inlet in the crawl space. Connection of drain lines shall be made with proper fittings.

(6) The outfall of drain lines on the lot or in easements established for drainage purposes shall terminate in a gravel bed or trench.

(7) In all cases where gutters and downspouts are installed, a sealed drainage line from each downspout to a dry well located at least 10 feet from the building shall be the minimum requirement.

**Section 6. Civil Infraction Assessment.** A violation of any provision of this ordinance constitutes a class 1 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 6 as amended by Ordinance 2008, passed October 24, 1988.]

**Section 7.** In addition to the penalty provisions of this ordinance, the procedures of Ordinance No. 1616 may be followed to abate and to secure the cost of the abatement of a public nuisance under this ordinance. [Section 7 as amended by Ordinance No. 1612, §1, passed June 5, 1978.]

**Section 8.** That if any person shall be aggrieved by the notice of the marshal, he may take an appeal to the city council within 24 hours notice from the receipt of such notice, and, upon 24 hours notice, a hearing will be held and a decision rendered forthwith thereon.

**Section 9.** That if any clause, sentence, section or portion of this ordinance shall for any reason be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect, impair or invalidate any other provisions of this ordinance, but shall be confined in its operation to the controversy directly involved in such adjudication.

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**Section 10.** That Ordinances No. 776. 963 and 971 be, and they thereby are, repealed and that Ordinances No. 942 and 956 are not revived by the repealing of Ordinance No. 963.

[Sections No. 4 - 10 renumbered by Ordinance No. 1347, §2, passed February 26, 1973.]

*Passed by the council and approved by the mayor December 3, 1963.*

ORDINANCE NO. 1678

AN ORDINANCE PROVIDING FOR SANITARY SEWER CONNECTION FEES IN THE CITY OF WOODBURN, REPEALING ORDINANCE NO. 1354; AND DECLARING AN EMERGENCY.

The people of the City of Woodburn do ordain:

**Section 1. Sewer Connection Required.** That the owner of any residence, building, structure dwelling or other thing discharging sewage within the City of Woodburn shall initiate connection of such residence, building, structure, dwelling or thing to the sanitary sewer system of the City of Woodburn by written application to the City.

**Section 2. Connection Fees.** That upon submission of such application, each applicant shall pay to the City of Woodburn, in addition to the regular monthly surcharge and actual construction costs of connection, a connection fee (capacity fee) in the amount specified herein as follows:

(a) For single-family dwellings, manufactured dwelling units, the amount specified in Schedule A hereunder.

(b) For apartments and other multiple-family dwellings, the amount specified in Schedule A for first unit and Schedule B for each additional unit in excess of one.

(c) For motel, hotel, and R.V. park units, the amount specified in Schedule A for the first unit and Schedule D. for each additional unit in excess of one. Laundry facilities will be charged at Schedule C for each machine in addition to the above.

(d) All others, except those provided for under Section 3 of this ordinance, the amount specified in Schedule A, plus the amount specified in Schedule C, for each toilet facility in excess of two toilet facilities shall be paid. Each laundry machine shall be considered as one toilet facility and charged as specified in Schedule C.

(e) Schedules:

<u>Schedule A</u>	<u>Schedule B</u>	<u>Schedule C</u>	<u>Schedule D</u>
\$1,000.00	\$ 750.00	\$ 500.00	\$ 410.00

(f) All existing structures constructed prior to May 1977, and remaining on the same site to which City was unable to provide a connection shall be charged at one-half the rate outlined above.

(e) All existing structures constructed prior to May 1977, and remaining on the same site to which City was unable to provide a connection shall be charged at one-half the rate outlined above. [Section 2 as amended by Ordinance 1972, passed April 13, 1987.]

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**Section 3. Excessive Demand on Sewer System.** That the provisions of Section 2 herein shall not apply to a particular residence, building, structure or thing when it is determined by the City that such residence, building, structure or thing is of a nature that by its ordinary usage it may place a demand exceeding 1,000 gallons of sewage flow per day, 800 milligrams per litre suspended solids sewage concentration, or 800 milligrams per litre BOD sewage concentration the connection fee shall be determined according to the following formula:

$$C = \$1.46F + \$1.69BOD + \$1.49SS$$

Where:

C	=	connection
F	=	gallons of average sewage flow per day for peak month.
SS	=	suspended solids concentration in milligrams per litre, average value for peak month.
BOD	=	biochemical oxygen demand in milligrams per litre, average value for peak month.

In no case shall the fee charged be less than \$1,000.

When it is determined by the City that a residence, building, structure or thing is of a nature that by its ordinary usage it may place an unusually heavy demand on the municipal sanitary sewer system through the discharge of pollutants other than flow, BOD, or suspended solids, the City shall determine a fee based upon the excessive pollutant or pollutants discharged, and said fee shall be payable as in Section 2 herein.

**Section 4. Disposition of Funds.** That all money collected pursuant to the provisions of this ordinance shall be deposited in and credited to a fund to be used for the purpose of paying the costs of expanding the capacity of municipal sewage collection and treatment system, its maintenance facilities and engineering costs. The first priority for expenditure of these funds will be for retirement of capital improvement bonds' principal and interest.

**Section 5. Repeal.** That Ordinance No. 1354 is hereby repealed and Ordinances 1140 and 1239 are not revived.

**Section 6.** [Emergency clause.]

*Passed by the Council August 13, 1979, and approved by the Mayor August 14, 1979.*

## ORDINANCE NO. 1692

AN ORDINANCE PROVIDING FOR AN INDUSTRIAL COST RECOVERY SYSTEM FOR FEDERAL CONSTRUCTION GRANTS FOR SEWERAGE AND SEWAGE TREATMENT WORKS, RATES AND CHARGES FOR SAME; THE ADMINISTRATION THEREOF; REPEALING ORDINANCE NO. 1690; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

**Section 1. Industrial Cost Recovery System Established.** An industrial cost recovery system is hereby established to recover from industrial sewer users those portions of construction grants provided under Public Law 92-500, present or future, which are allocable to such users.

**Section 2. Applicability of Provisions.** Industrial cost recovery provisions shall apply only to any nongovernmental, non-residential user of publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day of sanitary wastes and which is identified in the "Standard Industrial Classification Manual," 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- Division A. Agricultural, Forestry and Fishing.
- Division B. Mining.
- Division D. Manufacturing.
- Division E. Transportation, Communications, Electric, Gas and Sanitary Services.
- Division I. Services.

**Section 3. Recovery Period.** The industrial cost recovery period shall be equal to 30 years, or the design useful life of the treatment works, whichever is the lesser.

**Section 4. User's Share of Cost.** An industrial user's share shall include only that portion of grant assistance allocable to its use or to capacity firmly committed for its use.

**Section 5. Letters of Intent.** Any significant industrial users responsible for more than 10 percent of design flow, or of design pollutant loading of the treatment works shall be required to sign letters of intent stating that the user will pay that portion of the grant amount allocable to the treatment of its wastes.

**Section 6. Criteria for Share Determination.** An industrial user's share shall be based on those factors significantly influencing the cost of the treatment works, such as volume or rate of flow, strength or concentration of waste loading, or any other load factor including those unique to such user.



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**Section 7. Schedule of Payments.** Each user shall be required to pay his industrial cost recovery payments at regular intervals, not exceeding six months apart, with first payment to be made within six months after the user first begins use of the treatment works, or has been determined to be subject to the industrial cost recovery program.

**Section 8. Collection and Disbursement of Funds.** Allocation of users' shares and the collection and disbursement or distribution of industrial cost recovery funds shall be in accordance with the rules and regulations of the Environmental Protection Agency, or successor, as administrator of the construction grants program.

**Section 9. Measurement and Sampling.** To evaluate and monitor effluent loadings, the city may require the installation by users of measurement and sampling equipment at the user's expense, for which user shall provide reasonable access to the City Engineer, or his designate, during hours of operation for the purpose of inspecting and monitoring such measurement and sampling.

**Section 10. Administration of System.** The City Engineer shall be charged with administration of the industrial cost recovery system, including allocation of recovery charges.

**Section 11. Delinquency Liens.** Any industrial cost recovery charges remaining unpaid for 60 days after the due date shall be entered on the City Lien Docket and shall be recovered as any other city lien, as provided in the City Charter.

**Section 12. Severability.** If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgement shall not affect, impair, or invalidate any of the remainder of this ordinance.

**Section 13. Repeal.** That Ordinance No. 1690 of the City of Woodburn is hereby repealed.

**Section 14.** [Emergency clause.]

*Passed by the Council December 17, 1979, and approved by the Mayor  
December 18, 1979.*

## ORDINANCE NO. 1790

AN ORDINANCE REGULATING THE DISCHARGE OF WASTES TO THE SANITARY AND STORM SEWER SYSTEMS OF THE CITY, LIMITING SUCH DISCHARGES ONLY TO THOSE OF ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS, ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS, PROVIDING FOR ENFORCEMENT.

## THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

**Section 1. Declaration of Policy.** It is the policy of the City of Woodburn to provide adequate sewerage facilities for the transportation, treatment and disposal of wastes from within the City and to operate the sewerage systems in a manner which protects public health and the environment. In carrying out this policy, the objectives of this ordinance are:

(a) Preclude pollutants from entering the sewerage systems which will interfere with normal operations or contaminate the resulting sludge or effluent;

(b) Preclude the introduction of pollutants into the sewerage systems which may not be adequately treated and may pass through into the environment;

(c) To enhance the opportunity for recycling and reclamation of wastewater and sludge. It is the intent of the City to provide needed sewerage services to industry while meeting the outlined objectives. This ordinance provides the structure under which the service will be provided for industrial waste so that the systems are protected and can continue to provide efficiently for the waste treatment and disposal [needs] of the City.

**Section 2. Definitions.**

(a) Biochemical Oxygen Demand (BOD). The words "biochemical oxygen demand," or abbreviation thereof as "BOD," shall mean the quantity of oxygen required in the biochemical oxidation of organic matter.

(b) Branch Sewer. The words "branch sewer" shall mean a conduit extending from the plumbing or drainage system of a building or buildings to and connecting with a public or private sanitary or storm sewer, within a street right-of-way.

(c) Categorical Pretreatment Standards. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a public sewer system by specific industrial dischargers.

(d) City Engineer. The term "City Engineer" shall mean the City Engineer of the City of Woodburn, Oregon, or his duly authorized deputy or agent.

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(e) City or City of Woodburn. The words "City" or "City of Woodburn" shall mean the municipality of Woodburn, Oregon, a municipal corporation of the State of Oregon, acting through its Common Council or any board, committee, body, official or person to whom the Council shall have lawfully delegated the power to act for, or on behalf of, the City. Unless a particular board, committee, body, official or person is specifically designated in these rules and regulations, wherever action by City is explicitly required or implied herein, it shall be understood to mean action by the City Engineer of Woodburn, Oregon or his duly authorized deputy or agent.

(f) Combined Sewer. The words "combined sewer" or "combined sewer system" shall mean a conduit or system of conduits in which both wastewater and stormwater are transported.

(g) Compatible Pollutant. The words "compatible pollutant" shall mean wastes having biochemical oxygen demand, suspended solids and pH within tolerable limits, fecal coliform bacteria, and such additional pollutants which the City treatment works are designed to treat.

(h) Industrial Discharger/User. Any discharger who discharges other than household wastes directly or indirectly into the City sewer system.

(i) Industrial Waste. The words "industrial waste" shall mean any liquid, solid, or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, agriculture, trade or research, including but not limited to the development, recovering or processing of natural resources and leachate from landfills or other disposal sites, or any other discharge other than domestic sanitary waste.

(j) Industrial Waste Discharge Permit. A permit to discharge industrial wastes into the City sewer system issued under the authority of this ordinance and which prescribes certain discharge requirements and limitations.

(k) Interference. The inhibition or disruption of the City sewer system collection system, treatment processes or operations.

(l) pH. The symbol "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in moles per liter of solution,. Neutral water, for example, has a pH of 7 and a hydrogen ion concentration of  $10^{-7}$ .

(m) Person. The word "person" shall mean any individual, company, enterprise, partnership, corporation, association, society, or group, and the singular term shall include the plural.

(n) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City sewerage systems.

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(o) Restaurant. Any establishment or premises, other than a single-family residential unit, equipped or used for the preparation or serving of food, whether operated on a intermittent or sustained basis.

(p) Sewerage System. The entire sewage collection and treatment systems, exclusive of branch sewers. This includes all conduits, pumps, treatment equipment and any other components involved in the transportation, collection, treatment and disposal of sanitary and industrial wastewater and sludge. This includes both sanitary and storm water systems.

(q) Slugload. Any substance released in a discharge at a rate and/or concentration which causes interference to City sewerage or disposal systems.

(r) Suspended Solids. The words "suspended solids" shall mean total suspended matter that is in suspension in water or wastewater and that is removable by laboratory filtering.

(s) Toxic Pollutants. Those substances listed by the City Engineer as toxic pollutants. The list is based upon the priority pollutant list prepared by the U.S. Environmental Protection Agency and any additional information available which indicates toxicity or hazard level of particular substances.

(t) Upset. An exceptional incident in which a discharge unintentionally and temporarily is in a state of non-compliance with the discharge requirements set forth in this ordinance due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

(u) Wastewater. Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the City sewerage systems.

### Section 3. General Discharge Prohibitions.

(a) Use of restricted sewers. It shall be unlawful to discharge, permit the discharge, or allow a connection which will result in the discharge of sanitary sewage or industrial waste into a public sewer under City control which has been designated by the City Engineer to be used solely for storm drainage. It shall be unlawful for any person to discharge or permit the discharge or cause or allow a connection which will result in the discharge of storm drainage or uncontaminated water from refrigeration or cooling processes or steam condensate, into a public sewer under City control designated by the City Engineer to be used solely for sanitary sewage.

(b) Prohibited Discharges. It shall be unlawful to discharge, cause or allow to discharge directly or indirectly into the City sewage systems any of the following:

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(1) Waters or wastes containing substances in such concentrations that they inhibit or interfere with the operation or performance of any sewage treatment process, are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment such that the sewage treatment plant effluent cannot meet the requirements of any other agency having jurisdiction over its discharge to the receiving waters or that prevents the use or disposal of sewage treatment plant sludge in accordance with applicable State and Federal regulations.

(2) Any liquids, solids, or gases, which by reason of their nature or quantity, are, or may be sufficient, either alone or by interaction, to cause fire or explosion or to be injurious in any other way to the operation of the sewer system. Prohibited materials include, but are not limited to, gasoline, benzene, naphtha, alcohols, fuel oil, mineral oil and other flammable or explosive substances.

(3) Any solid or viscous substances capable of obstructing sewage which will or may cause obstruction to the flow of sewage or interference with the operation of the sewerage works or treatment facilities. These substances include, but are not limited to, ashes, cinders, sand, mud, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wastes, lard, tallow, baking dough, chemical residues, paint residues, cannery waste bulk solids, hair and fleshings, or plastic or paper dishes, cups, or food or beverage containers, whether whole or ground.

(4) Any noxious or malodorous liquids, gases, solids, or other substances when either singly, or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or health, or preventing entry into any sewer, manhole, or pump station.

(5) Any water or waste containing a toxic or poisonous substance in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any sewage treatment process; to constitute a hazard to humans or animals; or to create any hazard in, or adversely affect the receiving waters; or result in unacceptable concentrations of these substances being discharged in combined sewer overflows or sewage treatment plant effluents.

(6) Any wastes, waste waters or substances having a pH less than 6.0 or more than 10.0, or having any other corrosive property capable of causing damage or hazard to piping, structures, equipment, or personnel of the sewerage systems. This includes, but is not limited to, battery or plating acids and waste, copper sulfate, chromium salts and compounds, or salt brine. [Section 3(b)(6) amended by Ordinance 2074, passed January 13, 1992.]

(7) Any liquid or vapor having a temperature higher than 150° F or containing heat in amounts which will inhibit biological activity, resulting in septage in sewers, or interference at treatment plants. In no case shall there be heat in such quantities that the temperature of sewage inflow at any lift station exceeds 104° F.

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(8) Any material from a cesspool or septic tank, except such material received at a City treatment plant under City permit.

(9) Any water or waste which contains in excess of one hundred milligrams per litre, or a lesser amount as fixed by the City Engineer, for a particular establishment, of fat waste, oil or grease, whether or not emulsified, ether-soluble or n-hexane soluble matter, or any substance which may solidify or become discernibly viscous at temperatures above 32N F.

(10) Any domestic garbage that has not been properly comminuted to 1/8-inch, or less, in any dimension.

(11) Any slugload, which means any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a single discharge episode of such volume or strength as to cause interference to the sewerage systems.

(12) Any substances with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(13) Any wastewater which may cause a hazard to human health, or may create a public nuisance.

(14) Any unusual concentrations of inert suspended solids which may interfere with the operation of the sewerage systems, such as, but not limited to, fuller's earth, lime slurries, or lime residue.

(15) Any unusual concentrations of dissolved solids which may interfere with the operation of the sewerage systems, such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.

(16) Any radioactive material, except in compliance with the current "Oregon Regulations for the Control of Radiation" (OAR 333-22-150).

(17) Any food-processing wastes retained on a 20-mesh screen. If material retained on a 20-mesh screen is being discharged, the industrial sewage rate for suspended solids may be estimated on the basis of concentrated dip-samples of such effluent, but this shall not bar correction of the discharge condition under the provisions of Section 11.

(18) Any grease or fat from any restaurant. Such establishments shall install, within 60 days from the date of notice, adequate grease-traps from all sinks and dish washers. Such grease traps shall be of such capacity as to require cleaning not more than twice a week. Each such establishment shall maintain a log, signed by the servicing employee, of all service and cleaning, available to City personnel inspecting.

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(19) Any oil, grease, distillate, gasoline, or any other petroleum product which may be discharged to any sanitary or drainage system. Such systems shall be protected by adequate, approved, oil separators, or alternative disposal. All establishments selling motor oil shall provide facilities for draining and disposal of waste oil, or provide sufficient supervision of parking areas that no waste oil be discharged to sanitary or storm sewerage systems. Such establishments shall obtain industrial pollution permits, citing their provisions for preventing pollution. One discharge of waste oil shall be sufficient cause for injunctive relief for cessation of such offerage of motor oil for sale.

#### Section 4. Discharge Limitations

(a) It shall be unlawful for a discharger who has an effective Industrial Waste Discharge Permit pursuant to Section [7] to discharge wastes to the sewer system in excess of the limitations established in the permit. The City Engineer shall establish Industrial Waste Discharge Permit limitations to the extent necessary to enable the City to comply with current National Pollutant Discharge Elimination System categorical and general standards and waste discharge requirements as promulgated by the U.S. Environmental Protection Agency and the Oregon State Department of Environmental Quality; to protect the public health and safety; to protect the receiving water quality; to protect the sewerage system; and to comply with all other applicable Federal and State laws.

(b) It shall be unlawful to discharge into the sewerage systems concentrations of the following materials in excess of the specified limits, unless the discharger has in effect an Industrial Waste Discharge Permit from the State of Oregon which establishes a different limitation for a specific pollutant.

<u>Pollutant</u>	<u>Concentration Limit</u>
Arsenic	1.0 mg/l
Cadmium	1.0 mg/l
Chromium (Total)	5.0 mg/l
Copper	2.0 mg/l
Cyanid	1.0 mg/l
Iron	10.0 mg/l
Lead	2.0 mg/l
Nickel	3.0 mg/l
Phenols or Cresols	1.0 mg/l
Zinc	4.0 mg/l

(c) It shall be unlawful for a discharger to increase the use or addition of potable or process water as a partial or complete substitute for adequate treatment to achieve compliance with the standards and limitations set forth in this Chapter or in an Industrial Waste Discharge Permit issued pursuant hereto.

**Section 5.     Pretreatment Facilities.**

(a) If treatment facilities, operation changes or process modifications at an industrial discharger's facility are needed to comply with any requirements under this section, or are necessary to meet any applicable State or Federal requirements, the City Engineer may require that such facilities be constructed or modifications or changes be made within the shortest reasonable time, taking into consideration construction time, impact of the untreated waste on the City sewerage systems, economic impact on the facility, impact of the waste on the marketability of the City treatment plant sludge, and any other appropriate factors.

(b) Any requirement in Section 5 may be incorporated as part of an Industrial Waste Discharge Permit issued under Section 7 and made a condition of issuance of such permit or may be incorporated in a contractual agreement between the City and the affected facility and made a condition of the acceptance of the waste from that facility.

(c) Plans, specifications and other information relating to construction or installation of preliminary treatment facilities or optional disposal required by the City Engineer under this Chapter shall be submitted to the City Engineer and the Oregon Department of Environmental Quality. No construction or installation thereof shall commence until written approval of plans and specifications by the City Engineer and the Oregon Department of Environmental Quality is obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of the City and of the State relating to construction and to permits. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant of the property discharging the industrial wastes.

(d) Any person constructing a preliminary treatment facility, as required by the City Engineer, shall also install and maintain at his own expense sampling manhole(s) for checking and investigating the discharge from the preliminary treatment facility to the public sewer. The sampling manhole(s) shall be placed in a location designated by the City Engineer and in accordance with specifications approved by the City Engineer.

**Section 6.     Reporting Requirements.****(a)     Initial Compliance Report.**

(1) Within ninety (90) days after receiving notification that an Industrial Waste Discharge Permit is required, the discharger subject to this Chapter shall submit a report to the City Engineer which indicates the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report shall also state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to



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bring the discharger into compliance with the applicable standards and requirements. This statement shall be signed by an authorized representative of the discharger and certified to by a qualified professional.

(2) Such reports shall be completed in compliance with the current General Pretreatment Regulations for Existing and New Sources of Pollution.

(3) If the information required in Section 6 has already been provided to the City Engineer and that information is still accurate, the discharger shall reference the submitted information and is not required to submit it again.

(b) Periodic Compliance Reports.

(1) Any discharger that is required to have an Industrial Waste Discharge Permit pursuant to Section 7 shall submit to the City Engineer during the months of June and December, unless required on other dates and/or more frequently by the City Engineer, a report indicating the nature of the effluent over the previous six month period. The report shall include, but is not limited to, the concentration (and mass if limited in the permit) of the limited pollutants and a record of all daily flow measurements which exceeded the average daily flow reported in Section 6.

(2) The frequency of the monitoring shall be determined by the City Engineer and specified in the Industrial Waste Discharge Permit. If there is an applicable effective Federal Categorical Pretreatment Standard, the frequency shall be not less than that prescribed in the standard.

(3) Flows shall be reported on the basis of actual measurement, provided, however, where cost or feasibility considerations justify, the City Engineer may accept reports of average and maximum flows estimated by verifiable techniques.

(4) The City Engineer may require reporting by dischargers that are not required to have an Industrial Waste Discharge Permit if information and/or data is needed to establish a sewer rate charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewerage systems.

(c) Confidential Information. Information and data furnished to the City Engineer with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City Engineer that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall, upon written request, be made available to governmental agencies for uses related to this ordinance, National Pollutant Discharge Elimination System, State waste disposal requirements and/or the Pretreatment

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Program; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City Engineer as confidential, shall not be transmitted to any governmental agency, nor to the general public, by the City Engineer until and unless a ten-day notification be given to the discharger.

**Section 7. Industrial Waste Discharge Permits.**

(a) Requirement for a Permit.

(1) Except as provided in this section any waste discharger shall have an Industrial Waste Discharge Permit prior to discharging into the City sewer system, if:

(a) The discharge is subject to promulgated National Categorical Pretreatment Standards; or,

(b) The discharge is significant in the opinion of the City Engineer. Significant discharges include, but are not limited to, the following:

(i) Discharges containing compatible pollutants in concentrations or quantities that are subject to extra strength charges; or,

(ii) Discharges containing incompatible pollutants in concentrations or quantities which may interfere with the operation of the sewerage systems or increase the costs of operation; or,

(iii) Discharges which have a maximum instantaneous flow which exceeds ten percent of the capacity of the available lateral or appropriate trunk sewer.

(c) The discharger is required to provide and maintain any form of pre-treatment or any separation process, including grease traps or oil separators.

(2) Existing Discharges.

(a) Discharges that were in existence prior to the date that an Industrial Waste Discharge Permit was required shall be notified in writing by the City Engineer that such a permit is required. Such existing dischargers shall be allowed to continue discharging into the City sewer system without an Industrial Waste Discharge Permit until a permit issued or denied provided that the discharger files a completed application for an Industrial Waste Discharge Permit within 90 days of the receipt of such notice.

(b) Discharges allowed under Section 7 shall meet all other applicable requirements of this code.

(b) Application for an Industrial Waste Discharge Permit.

(1) Application for an Industrial Waste Discharge Permit shall be made to the City Engineer on forms provided by the Department of Public Works. The application shall not be considered as complete until all information identified on the form is provided, unless specific exemptions are granted by the City Engineer.

(2) Completed applications shall be made within 90 days of the date requested by the City Engineer or, for new discharges, at least 90 days prior to the date the discharge is to begin.

(c) Issuance of Industrial Waste Discharge Permits.

(1) Industrial Waste Discharge Permits shall be issued or denied by the City Engineer within 90 days after a completed application is filed.

(2) Industrial Waste Discharge Permits shall contain conditions which meet the requirements of this code as well as those of applicable State and Federal laws and regulations.

(3) If pretreatment facilities are needed to meet the discharge criteria of the discharge permit, the permit shall require the installation of such facilities.

(4) Whenever a discharge permit requires installation or modification of monitoring or metering equipment, or of treatment facilities, or of process changes necessary to meet discharge standards, or for spill control requirements, a compliance schedule shall be included which establishes the dates for completion of the changes and all appropriate interim dates. Interim dates shall be no more than 90 days apart.

(5) Discharge permits shall expire no later than 5 years after the effective date of the permit.

(6) The City Engineer may deny the issuance of any discharge permit if the discharge may result in violation of any City, State, or Federal law or regulation, may overload or cause damage to any portion of the City sewerage systems, or may create any imminent, latent, or potential hazard to personnel, the public, or the environment.

(d) Modification of Permits.

(1) An Industrial Waste Discharge Permit may be modified for good and valid cause at the written request of the permittee and at the discretion of the City Engineer.

(2) Permittee modification requests shall be submitted to the City Engineer and shall contain a detailed description of all proposed changes in the discharge. The City Engineer may require any additional information needed to adequately evaluate the modification or assess its impact.

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(3) The City Engineer may deny a request for modification if the change may result in a violation of City, State or Federal laws or regulations, may overload or cause damage to any portion of the City sewerage systems, or may create any imminent or potential hazard to health, or the environment.

(4) If a permit modification be made at the direction of the City Engineer, the permittee shall be notified in writing of the proposed modification at least 30 days prior to its effective date and shall be informed of the reasons of the change.

(e) Change in a Permitted Discharge. Any modification to the permittee's discharge permit must be issued by the City Engineer before any significant change is made in the volume or level of pollutants in an existing permitted discharge to the City sewerage system. Changes in the discharge involving the introduction of a waste stream not previously included in the Industrial Waste Discharge Permit or involving the addition of new pollutants shall be considered as a new discharge, requiring application under Section 7.

(f) Permit Fees. Permit fees and renewal fees, shall be as established by the Common Council, by motion, upon recommendation of the City Engineer. All monies received for Waste Discharge Permit Fees shall be expended only for the administration, monitoring or enforcement of the provisions of this ordinance.

#### **Section 8. Inspection and Sampling.**

##### **(a) Inspection.**

(1) Authorized City representatives may inspect the monitoring facilities of any industrial waste discharger to determine compliance with the requirements of this ordinance. The discharger shall allow the City or its authorized representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling, or records examination. The City shall also have the right to set up on the discharger's property any such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The right-of-entry shall include access to all portions of the premises that contain facilities for sampling, measuring, treating, transporting or otherwise handling wastes, and for storing records, reports or documents relating to the treatment, sampling, or discharge of the wastes. The City Engineer, or his authorized deputy, shall have the power to make such inspections, without warrant, during any time of operation of the facility.

##### **(2) Conditions of Entry.**

(a) The authorized City representative shall present appropriate credentials at the time of entry;

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(b) The purpose of the entry shall be for inspection, observation, measurement, sampling or testing in accordance with the provisions of this ordinance;

(c) The entry shall be made at reasonable times during any operating or business hours unless an emergency situation exists as determined by the City Engineer.

(d) All valid safety, security and sanitary requirements of the facility to be inspected shall be complied with by the City representative(s) entering the premises.

(b) Sampling.

(1) Samples of wastewater being discharged into the sewerage systems shall be representative of the discharge and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the City Engineer and done in accordance with good engineering practice.

(2) Samples that are taken by City personnel for the purpose of determining compliance with the requirements of this ordinance may be split with the discharger (or a duplicate sample provided in the instance of fats, oils and greases), if requested before or at the time of sampling.

(3) All sample analyses shall be performed in accordance with the procedures set forth in 40 CFR, Part 136 and any amendments thereto or with any other test procedures approved by the Administrator of the Environmental Protection Agency. If there are no approved test procedures for a particular pollutant, then analyses shall be performed using other validated procedures approved by the City Engineer.

(c) Sampling Manhole. The City Engineer may require a discharger to install and maintain, at the discharger's expense, suitable manhole(s) in the discharger's branch sewer(s) to allow observation, sampling and measurement of all industrial wastes being discharged into the City sewer system. They shall be constructed in accordance with plans approved by the City Engineer and shall be designed so that flow measuring and sampling equipment may be conveniently used or installed. Access to the manhole shall be available to City representatives at all times. It shall be located in a street right-of-way or on an easement with ready access from a street, not behind any fence or gate, except for which the City shall be provided a key or keys.

**Section 9. Spill Prevention and Control.**

(a) Notification. Any person becoming aware of spills or uncontrolled discharges of prohibited or restricted substances, directly or indirectly, into the City sewerage systems, shall immediately report such discharge by telephone to the City Engineer.

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(b) Posted Notice. A notice informing employees of the notification requirement and containing a telephone number for the individual to contact in the event of such a discharge shall be posted in a conspicuous place, visible to all employees that may reasonably be expected to observe such a discharge.

(c) Preventive Measures. Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of prohibited or restricted substances to enter the City sewer system shall be eliminated, labeled, or controlled, so as to prevent the entry of wastes in violation of this ordinance. The City Engineer may require the industrial user to install or modify equipment or make other changes necessary to prevent such discharges as a condition of issuance of an Industrial Waste Discharge Permit or as a condition of continued discharge into the City sewer system. A schedule of compliance shall be established by the City Engineer which requires completion of the required actions within the shortest reasonable period of time. Violation of the schedule without an extension of time by the City Engineer shall be a violation of this ordinance.

(d) Spill Prevention and Control Plans.

(1) Industrial users that handle, store or use prohibited or restricted substances on their sites shall prepare a spill prevention plan within 90 days of notice by the City Engineer directed at preventing the entrance of those substances, directly or indirectly, into the City sewerage systems. The plan, as approved by the City Engineer, shall be posted and available for inspection at the facility during normal business hours and shall include, but not be limited to, the following elements:

(i) A description of the potential points of entry into the City sewerage systems;

(ii) A description of the measures to be taken to prevent entry at the described points before a spill occurs;

(iii) Measures to be taken to contain a spill of prohibited or restricted materials;

(iv) A description of employee training in the prevention and control of spills. A valid SPCC plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill control plan, provided the plan adequately addresses the elements required.

(2) If any user has a spill or uncontrolled discharge of prohibited or restricted substances into the City sewer, the City Engineer may require the user's spill prevention and control plan to be resubmitted, may require revisions to be made in the plan, and may require any such user, even residential, to fully comply with the requirements of this ordinance.

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**Section 10. Acceptance of Extra-Strength Industrial Waste.** The City Engineer may agree to accept industrial wastewater which exceeds the limitations set forth in Section 4, provided that:

(a) Limitations established in compliance with promulgated Federal Pretreatment Standards under the Clean Water Act or under Section 3 of this ordinance are not exceeded; and,

(b) Adequate treatment capacity exists at the waste treatment plant for effectively treating the additional waste strength; and,

(c) The commercial or industrial discharger requests the City Engineer to accept the industrial wastes on the basis of payment to the City of extra-strength charges as determined by him; and,

(d) The wastewater is being discharged to a sanitary or combined sewer; and,

(e) The discharger shall affirm responsibility for all other provisions of this ordinance; and,

(f) All other sewage rates shall be in accordance with the Woodburn sewer rate ordinance; and,

(g) All additional charges for extra-strength discharges shall be as determined by the City Engineer.

**Section 11. Enforcement.**

(a) Violations.

(1) A violation shall have occurred when any requirement of this ordinance has not been met; when a written demand of the City Engineer, made under the authority of this ordinance, is not met within the specified time; when a condition of a permit, or contract, issued under the authority of this ordinance is not met within the specified time; when effluent limitations are exceeded, regardless of intent or accident; or when false information has been provided by the discharger.

(2) Each day a violation occurs shall be considered as a separate violation.

(b) Notice of Violation. Upon determination by the City Engineer that a violation has occurred, or is occurring, the City Engineer may issue a written Notice of Violation to the discharger which shall outline the violation and the potential liability. The Notice may further request correction of the violation within a specified time and/or require written confirmation of the correction or of efforts being made to correct the violation, by a specified date. The Notice shall be personally delivered to the discharger's premises or be sent certified or registered mail, return receipt requested.

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(c) Judicial Action. The City Engineer may initiate appropriate civil or criminal action through the City Attorney in a Court of competent jurisdiction to enjoin a violation and obtain corrective measures and any other appropriate relief.

(d) Termination or Suspension of a Discharge.

(1) The City Engineer may terminate a discharge into the City sewer system or suspend such discharge for a specified length of time or terminate water and sewer services to the premises, if:

(i) The discharge presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or causes interference with the operation of the City sewer system; or,

(ii) The permit to discharge into the City sewer system was obtained by misrepresentation of any material fact or by lack of full disclosure; or,

(iii) Directed by a Court of competent jurisdiction.

(2) Notice of termination or suspension shall be provided to the discharger prior to terminating or suspending the discharge.

(i) In situations that are not emergencies, the notice shall be in writing, shall contain the reasons for the termination or suspension, the effective date, and the name, address and telephone number of a City contact, shall be signed by the City Engineer, and shall be received at the business address of the discharger no less than thirty days prior to the date specified for termination or suspension.

(ii) In situations that are determined to be emergencies by the City Engineer, the initial notice may be verbal or written and shall contain the information required above. If verbal notice is given, it shall be delivered to the owner or operator of the discharging facility and shall be followed within 2 working days by a written notice that is mailed or delivered to the business address of the discharger. The effective date of the termination or suspension in emergency situations may be immediately after verbal or written notice has been given as required in this paragraph.

(iii) For the purposes of this section, an emergency situation is defined as a situation in which action must be taken as rapidly as possible in order to prevent or reduce a present or potential danger or hazard to health, safety, sewerage systems, treatment processes, or receiving streams.

(e) Cost Recovery.

(1) The City Engineer may recover all reasonable costs of repairing damages to the City sewerage systems, extra treatment required, restoration of inhibited or disrupted treatment processes, and of paying fines or penalties which result from a discharge not in compliance with the requirements of EPA or DEQ, the Waste Discharge Permit, or of this ordinance.



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(2) Claim for the costs shall be by letter to the discharger; sent certified or registered mail, return receipt requested, which shall state the specific violation(s), the damages and penalties sustained by the City, the costs of those damages and penalties, and all other costs the City Engineer has determined as attributable to the discharge and, therefore, billed to the discharger.

(3) The costs are due and payable by the discharger upon receipt of the letter. If not paid within 30 calendar days, water and sewer services to the premises may be physically disconnected and the amount due and the cost of disconnection shall be assessed against the property on the docket of City liens.

(f) Operating Upsets. Any discharger who experiences an upset in operations which places the discharger in a temporary state of non-compliance with this ordinance or an Industrial Wastewater Discharge Permit issued pursuant to Section 7 shall inform the City Engineer of the upset within 2 hours of the first awareness of it. Where such information is given orally, a written follow-up report shall be filed by the discharger with the City Engineer within five days. The report shall specify:

(1) Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status.

(2) Duration of non-compliance, including exact dates and times of non-compliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

(3) All steps taken or to be taken to reduce, eliminate or prevent recurrence of such an upset or other conditions of non-compliance.

**Section 12. Records Retention.** All dischargers subject to this ordinance shall retain and preserve for no less than three years, all records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the City Engineer pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**Section 13. Conflict.** All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**Section 14. Severability.** If any provision, paragraph, word, section or chapter of this ordinance is invalidated by any Court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

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**Section 15. Penalties.**

(1) Violation of any provision of this ordinance constitutes a class 1 infraction and shall be dealt with according to the procedures established by Ordinance No. 1610.

(2) Each day a violation of this ordinance continues shall be considered a separate violation. [Section 15 as amended by Ordinance 2008, passed October 24, 1988.]

*Passed by the Council September 13, 1982, and approved by the Mayor  
September 14, 1982.*

## ORDINANCE NO. 2058

AN ORDINANCE ALLOWING A SEWER CAPACITY FEE PAYMENT PLAN FOR CERTAIN PROPERTIES UTILIZING SUBSURFACE SEWAGE DISPOSAL SYSTEMS AND DECLARING AN EMERGENCY.

## THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1.**    Definitions. The following definitions apply:

- (A)    "City Engineer" shall mean the City Engineer of the City of Woodburn.
- (B)    "Finance Director" shall mean the Finance Director of the City of Woodburn.
- (C)    "Local Government Investment Pool" shall have the meaning given that term in ORS 294.805 to 294.895.
- (D)    "Owner" shall mean any person, firm, corporation, or other entity having legal title to real property subject to the applicable sewer capacity fee and possessing legal authority to authorize the docketing of a lien against said property.
- (E)    "Sewer Capacity Fee" shall mean a non-refundable fee charged by the city to allow an owner to use a portion of the city's sewerage capacity, also known as a sanitary sewer connection fee or systems development charge.
- (F)    "Subsurface Sewage Disposal System" shall have the meaning given that term in ORS 454.605.

**Section 2.**    General Provisions

- (A)    The owner of real property utilizing a subsurface sewage disposal system incorporating twenty (20) or more dwelling units has the option of paying sewer capacity fees utilizing a four-year payment plan.
- (B)    The first installment of said fees described above is due and payable at the time of connection, with the remaining installments payable on the basis determined by the City according to the payment plan.
- (C)    This installment payment plan of sewer capacity fees is exercised at the option of the owner. Written application for such option must be filed by the owner, and approved by the city prior to connection.
- (D)    The owner is responsible to insure that all scheduled payments are made when due. The owner is not relieved of this obligation even though the city may allow the due date to pass without receiving payment. The city may declare the remaining balance due and payable in full when the owner fails to make scheduled payments on

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time. At the city's option, failure to make scheduled payments may result in disconnection.

(E) If the installment payment option is utilized, the balance owed to the city, including interest thereon, may be paid in advance by the owner at any time without penalty.

**Section 3. Administration.** The City Engineer shall be responsible for implementation of this ordinance by allowing the connections to the city sewerage system and by making other technical and payment plan decisions. The Finance Director shall be responsible to program the servicing plan so that bills are sent to owners. The City Engineer shall provide documents needed by the Finance Director for serving of the payment plan.

**Section 4. Interest Rate.** Interest shall be fixed at the date of inception of the plan at the rate quoted by the local government investment pool (per annum) plus 1½% rounded to the nearest one-tenth of one percent.

**Section 5. Severability.** If any section, clause, or phrase of this ordinance is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of this ordinance which shall continue to be in full force and effect.

**Section 6.** [Emergency clause.]

*Passed by the Council April 8, 1991, approved by the Mayor April 9, 1991.*

ORDINANCE NO. 2157

AN ORDINANCE APPROVING PLACEMENT OF CHARGES ON WASTEWATER DISCHARGE UTILIZING WATER USE MONITORING OR OTHER ESTIMATING METHODS FOR THE OPERATION AND MAINTENANCE OF MUNICIPAL SEWERAGE SYSTEMS, PROVIDING FOR SUCH CHARGES AND THE COLLECTION THEREOF, REPEALING ORDINANCE NO. 2059, AND SETTING AN EFFECTIVE DATE.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1. General Provisions.** That a charge, as provided in this ordinance, will be added to each municipal water bill or statement issued by the City of Woodburn. Such charges will apply to all monthly periods of water use and service received from the City, and such charges will be collected from water users in the same manner and under the same provisions of law as other charges for water use and services. Such charges will be levied against each water account, excepting those accounts providing only fire or irrigation service, and other services which do not utilize the city sewerage system for their wastewater treatment and disposal.

A like charge may be made to all premises within the city limits which are supplied with water from sources other than the city water system. A separate charge will be collected from all premises outside the City which discharge to the city sewerage system. The premises connected to a water system other than the city system may be required to provide metering devices for the waste discharge calculations. An additional charge will be collected for "recreational vehicle waste water discharge" stations. All city municipal service buildings will continue to be exempted from the charges outlined in this ordinance unless modified by council action. Interpretation and administration of this ordinance and its provisions will be the responsibility of the City Engineer.

This ordinance also deals with permitted industrial/commercial loading-related service charges. However, the city-issued waste discharge permits that reflect EPA and DEQ requirements and other capacity connection fee requirements related to loadings, are not covered by this ordinance.

(Section 1 as amended by Ordinance 2286 passed May 14, 2001)

**Section 2. Abbreviations & Definitions:**

BOD	=	Biochemical oxygen demand
SBOD	=	Soluble BOD
cu. ft.	=	cubic feet
gal.	=	gallon(s)
TSS	=	Total suspended solids
POTW	=	Public Owned Treatment Works
EPA	=	Environmental Protection Agency
DEQ	=	Department of Environmental Quality

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Single Family Unit: A stick built or manufactured house, designed for permanent occupation by a single family which includes kitchen and bathroom facilities, on its own lot, with or without accessory structures.

Multi family Unit: 1) Any dwelling unit designed for separate, permanent occupation by more than one family and which each separate unit includes kitchen and bathroom facilities.

2) Any recreation room with bathroom, sink, and cooking facilities.

**Section 3. Treatment Capability and Acceptance of Sewage:** The City, at its discretion, may refuse to accept sewage loadings from industrial/commercial users or septage haulers, if such loading is beyond permitted loading or if such loading, in the opinion of the City, reasonably places the treatment process at risk or may cause violation of the City's permit.

**Section 4. Industrial User Billing:** Industrial users may be required to install metering and sampling devices to monitor flow, BOD, suspended solids and any other necessary constituents. The industry may be required to combine all effluent lines to a single point for such metering/sampling and to monitor their effluent discharge. The City may bill on an estimated basis if the user fails to perform the required monitoring and sampling. Any or all of the following criteria may be used to determine if an industry is to be billed as an industrial user:

A. The user is permitted to discharge more than 0.8 percent (0.8%) of the designed average dry weather hydraulic, organic or solid handling load to the City's POTW.

B. The user has a non-domestic flow of 25,000 gallons or more per average work day.

C. The user is determined by the POTW Superintendent to have a significant impact upon POTW operations.

D. The user comes under the national categorical pretreatment standards promulgated by the EPA.

E. The City has issued the user an industrial discharge permit.

**Section 5. Monthly Sewerage Charge:** The monthly sewerage charges required by Section 1 of this ordinance will be according to the following schedule:

A. All sewer charges for residential, commercial and industrial customers will be based on a minimum plus volume of sewage discharged method. In addition, industrial customers will also be charged for BOD and TSS.

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B. Residential minimum plus volume method will be the average consumption of water for the four (4) winter months (November/December through February/March) and it will be considered as the amount of sewage discharged from each dwelling unit. The winter month average will be determined by the water meter readings taken or other needed estimating methods by Public Works for unusual cases. General estimating and billing methods are outlined below:

1. In the first year of the minimum plus volume method implementation, the November/December through February/March bills will be based on the actual consumption for each month. Starting in March/April, each of the following twelve (12) months will be billed based on the average of the three (3) low months out of the four (4) recent winter months (November/December through February/March). Every year a new average will be calculated using the immediately preceding winter month's consumption. (Section 5(B)(1) amended by Ordinance 2164 passed March 25, 1996.)

2. For residential units where a full four (4) months of consumption readings are not available for averaging, such as vacations or vacancies due to change in ownership, a minimum of three (3) full months of readings may be used for averaging or two full months of readings supplemented by partial month daily water consumption outlined under Section 5(B)(9). (Section 5(B)(2) amended by Ordinance 2164 passed March 25, 1996.)

3. Residential structures that are served by the city sewerage system, but not connected to city water, will be billed at the city wide residential average consumption rate of 700 cu. ft. per unit

4. If the winter average exceeds three other consecutive months average, then at the request of the property owner, the city may replace the winter average with the average of three other consecutive months for the remaining future annual billing cycle. No credit shall be given for the prior billings and there shall be no extra charge for the adjustment. Also, Public Works shall make adjustments to wastewater charges for properties disrupted by natural disaster that affects the flow of wastewater to the city system. (Section 5(B)(4) amended by Ordinance 2164 passed March 25, 1996.)

a. Replacement of residential winter average with average of other three consecutive months and adjustment of charges:

i. If the winter average exceeds three other consecutive months average, then at the request of the property owner, the city may replace the winter average with the average of three other consecutive months for the remaining future annual billing cycle.

ii. The wastewater charges to an account when three month average is implemented to replace winter average shall be adjusted as outlined below:

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Amount of credit shall be limited to the summation of actual revenue received in three months under consideration less summation of calculated revenue in the same three-month period that is used to develop lower billing average. (Section 5(B)(4)(a) added by Ordinance 2171 passed June 10, 1996.)

b. Adjustment to wastewater charges for properties disrupted by a natural disaster affecting wastewater flow:

i. Public Works will evaluate the disruption to wastewater flow because of a natural disaster and make adjustment accordingly. During the period while a structure is being rehabilitated and there is no wastewater flow, there shall be no wastewater charge based on the winter average, otherwise an estimate that reflects the use of least flow will be used. (Section 5(B)(4)(b) added by Ordinance 2171 passed June 10, 1996.)

5. If there is no occupancy of buildings during the winter months, then the aver of the two (2) prior months, i.e., September and October, or 700 cu. ft., whichever is less, may be used for billing purposes, until and unless a representative average of the winter months is developed or estimated.

6. For new structures or new customers, the city-wide residential average of 700 cubic feet per unit per month may be used until an actual average can be calculated using three (3) full months following occupancy. If the calculated average is below 700 cu. ft., then the calculated average will be used for billing, and a credit shall be given deducting the summation of the three-month average from the actual revenue received during that period. If the calculated average is above 700 cu. ft., then the city-wide residential average of 700 cul ft. will be used for billing purposes until the next winter average is calculated. For new structures, the sewer charges begin when the certificate of occupancy is issued, or three (3) months after the installation of the water meter unless the owner notifies the city that the building is not occupied. (Section 5(B)(6) amended by Ordinance 2171 passed June 10, 1996.)

7. All sewer structures located within 300 feet of an adequate city sewer main, and experiencing septic system failure, must connect to the city sewer system. No new subsurface wastewater treatment and disposal (septic tank system) shall be allowed within the city limits. (Section 5(B)7 as amended by Ordinance 2286 passed May 14, 2001.)

8. There will be no additional charge for consumption analysis and adjustments other than that for leak adjustments as outlined in Section 9.

9. When a dwelling unit has been occupied for not less than 10 days and/or the water consumption for the month is below 100 cu. ft., then partial month daily water consumption method may be used to project consumption for that month under consideration for averaging purposes.



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C. Commercial bills will be based on the actual water use for that month. Commercial structures that are connected to city water and are located within 100 feet of an adequate sewer line but not connected to the sewer, will be charged the minimum usage of 600 cu. ft. per unit.

D. Industrial bills will be based on the actual consumption for that month plus the loading charges (BOD and TSS).

E.	RATES: <u>Customer Class</u>	<u>Minimum Charge</u>	<u>Minimum Volume</u>	<u>Volume Charge/ Above Minimum</u>
	<b>1. <u>RESIDENTIAL</u></b>			
	a. Single Family, Churches PER UNIT	\$20.20	500 cu. ft.	\$3.59/100 cu.ft.
	b. Multi Family, Apartments, Mobile Home in a Park, Condos, Motel, Hotel PER UNIT	\$20.20	500 cu. ft.	\$3.59/100 cu.ft.
	c. Residential unit not on City metered water system, PER UNIT	\$27.38	-----	-----
	(NOTE: Above is based on estimate discharge of 700 cu. ft./mo. City may require metering if higher discharge is estimated by the City Engineer)			
	<b>2. <u>COMMERCIAL</u></b>			
	Businesses, Schools, R.V. Parks, Care Centers, etc. PER METER	\$25.54	600 cu. ft.	\$5.49/100 cf.
				<u>Above Minimum</u>
				a) Volume Charge
	<b>3. <u>INDUSTRIAL</u></b>	\$54.62	1,000 cu. ft.	\$2.27/100 cu.ft.
	(includes first 25 lbs. BOD and 9 lbs. TSS)			b) BOD Charge:
				\$0.85/lb.
				c) TSS Charge:
				\$0.25/lb.
	<b>4. <u>ABANDONED OR NON REVENUE PRODUCING SERVICE:</u></b>			
	Abandonment procedures may be started by the City, if a building is unoccupied for a period of 18 months, with proper notification to the property owner, as outlined in Resolution No. 1100, and/or minimum billing may be started for the building under consideration.			
	<b>5. <u>WASTEWATER DISCHARGE STATION - RV, etc.</u></b>			(in addition to standard charge)
	a. Residential type sewage discharge station at commercial establishments,			

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PER MONTH

- |                                     |         |                                      |
|-------------------------------------|---------|--------------------------------------|
| i. For multiple RV dump stations    | \$25.54 | Minimum/connection                   |
| ii. For individual RV units in Park | \$2.75  | Minimum/connection<br>per 50 cu. ft. |

6. **SEPTAGE** - per truck load

- |                            |          |              |
|----------------------------|----------|--------------|
| a. Residential, PER GALLON | \$0.0525 | \$25.00/min. |
| b. Commercial, PER GALLON  | \$0.07   | \$25.00/min. |

Septage rates above apply only to the service area identified in the Pudding River Service Provider Study, March 1995. Other areas will be charged \$0.085 PER GALLON for residential or commercial septage.

7. **Individual Recreational Vehicles discharging at Wastewater Treatment Plant**

Per vehicle	NO CHARGE
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8. **Mixed Residential/Commercial Accounts**

This category uses the residential or commercial rates outlined under subsections "1" to "3" above. The criteria for using a mixed residential/commercial method are outlined below:

- a) If no monitoring device is available, then the City may reasonably estimate charges based on the available facts, such as number of employees, product, or other criteria.
- b) If one City monitoring device serves more than one category of user, then the charges will be as follows:
  - 1) If separation of service is not practical (as determined by the City Engineer), then the service charge will be at the residential rate for the first 700 cubic feet of water, for each residential unit. The remaining will be at the commercial rate.
  - 2) If service monitoring separation is practical but not utilized, then the charge for the entire service will be at the commercial rate. The customer may request the City for a separate monitoring device for each category of service by paying the established meter installation fee.

**Section 6. Capital Cost Recovery Agreements.** The City, at its discretion, may enter into agreements with industrial dischargers for the purpose of recovering the City's incurred or anticipated costs used to modify POTW that benefit the industry. This cost, after Council's approval, may be divided into a number of payments, and added to the monthly invoice, rather than one lump sum payment. The cost recovery agreements may reflect the construction costs, interest, engineering and administration costs for POTW modifications needed to accommodate industrial growth.

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**Section 7. Large Septage Load Charge:** The intent of this charge is to discourage users from discharging large loads (lbs./day) of permitted waste to the city system during the dry weather season (June, July, August, September, October) that could reduce reliability of the city sewerage system. Prior to the construction of the new treatment plant, if septage waste is accepted at the present treatment system during the dry weather season, and if such loads will not place the treatment process at risk, the septage hauler rate may be multiplied by a factor of two (2). If the load will place risk to treatment process, then the City may choose not to accept such a load.

**Section 8. Unauthorized Connection and Service:**

A. **Unauthorized Connection:** A 25 percent (25%) administrative charge may be added to the service connection or capacity fee if a property is connected to the system without first obtaining the proper permit and paying the required fees. This 25 percent (25%) may be added to the regular fee in effect at the time the unauthorized connection is discovered by the City. The added surcharge may be excused if the property owner volunteers the information and comes forward to pay the required connection fee.

B. **Unauthorized Service:** An administrative charge of 25 percent (25%) may be added to the City utility service charge if a property receives City service and the customer does not inform the City to start the billing. The charge calculated will be limited to a twelve (12) month period. The City may make a reasonable estimate of the amount due.

C. This section will not be construed to limit the City's right to pursue any and all available legal remedies in regards to unauthorized connections or service.

**Section 9. Customer Billing Adjustments.** If the City, in the preceding twelve (12) months, has overcharged a customer for the sewer service, and it is brought to the attention of the City Engineer, then he will make an adjustment using available records of the past year. The adjustment will be limited to a period of four (4) months falling within the past year. A similar adjustment for undercharge maybe made but it will be limited to a period of two (2) months. In the case of water leakage, an adjustment for a one or two month period will be made if the leak has been promptly repaired and the request for leak adjustment has been made within six (6) months. Such adjustments will not exceed 100% of the estimated excess flow attributable to the leak. A charge of \$10.00 will be added for any sewer charge adjustment due to water leaks.

**Section 10. Installation of Monitoring Clean Out:** If the City wants to install a clean out on the service line near the house or business for infiltration monitoring and reduction, it may do so if a ten (10) day notice prior to construction activity has been provided to the property owner. The City may not charge for the installation of the clean out or for monitoring and infiltration reduction although it may be located on the private property.

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**Section 11. Increase in Rates and Charges.** Future rate adjustments will be established by Council action at a frequency and in an amount determined to be fiscally responsible for supporting service obligations, ensure POTW compliance with EPA/DEQ regulations, and to protect the environment and public health.

**Section 12. Service Agreements.** All prior Council-approved service agreements between the City and a customer will remain in force for the term of the agreement. However, the requirements of this ordinance and other applicable ordinances, including the rate increase provisions, must be met.

**Section 13. Use of Monies Collected.** That the monies collected pursuant to the provisions of this ordinance will be used to pay the costs of construction, operation, maintenance and expansion of sanitary and storm sewers, sewage treatment plants, pumping stations, and related facilities and services, including necessary administrative and engineering costs.

**Section 14. Administration.** Interpretation and administration of this ordinance and its provisions will be the responsibility of the City Engineer.

**Section 15. Severability Clause.** If any clause, sentence, paragraph, section or portion of this ordinance for any reason may be adjudged invalid by a court of competent jurisdiction, such judgment will not affect, impair, or invalidate any of the remainder of this ordinance.

**Section 16. Repeal.** Ordinance No. 2059 is hereby repealed.

**Section 17. Effective Date.** This ordinance is effective on November 1, 1995.

*Passed by the Council September 11, 1995, and approved by the Mayor September 12, 1995.*

## ORDINANCE NO. 2176

AN ORDINANCE REGULATING THE DISCHARGE OF WASTES TO THE SANITARY AND STORM SEWER SYSTEMS OF THE CITY, LIMITING SUCH DISCHARGES ONLY TO THOSE OF ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS, ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS, PROVIDING FOR ENFORCEMENT AND DECLARING AN EMERGENCY.

This ordinance, known as the Sewer Use Ordinance, is on file in the office of the City Recorder and in the original ordinance book.

*Passed by the Council September 9, 1996 and approved by the Mayor September 10, 1996.*

## ORDINANCE NO. 2242

AN ORDINANCE PROVIDING FOR CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROCEDURES; COMPLYING WITH OREGON ADMINISTRATIVE RULES 333-61-0070; AND DECLARING AN EMERGENCY.

[Whereas clauses.]

## THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1. Title.** This ordinance shall be known as the "City of Woodburn Cross Connection Control and Backflow Prevention Ordinance".

**Section 2. Policy and Purpose.** As required by the Oregon Health Division, pursuant to Oregon Administrative Rules 333-61-0070, and in order to prevent any possibility of backflow contaminating the water system, it shall be the policy of the City of Woodburn to require the installation of backflow prevention devices, and inspections of those devices, as set forth in this ordinance. The City of Woodburn shall also administratively implement a local cross connection program as further specified in the Oregon Administrative Rules and the City of Woodburn Cross Connection Implementation Manual.

**Section 3. Definitions.** The words and phrases used in this ordinance shall have the meaning provided in Oregon Administrative Rules 333-061-0020.

**Section 4. Records and Reports.** The City shall maintain current records of backflow assemblies installed, inspections completed, and backflow assembly test results, and shall report such data as may be required by State law.

**Section 5. Discontinuance of Service for Violations of Policy.**

A. After proper notice to the customer as required by this ordinance, and until the violation has been corrected, the City shall discontinue water service to any premises under any of the following circumstances:

- (1) For failure to install an approved backflow prevention device;
- (2) For failure to conduct an annual test on the backflow device;
- (3) When the City has reasonable cause to believe that an existing or potential cross connection is located on the user's premises, until an appropriate backflow prevention assembly is installed or until the cause of the hazard is eliminated.
- (4) For any other violation of this ordinance.

B. This section shall not in any way be construed to impair the City's ability to immediately discontinue water service in the event of imminent threat to the City's water system or other emergency situations.

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**Section 6. Backflow Prevention; When Required.**

A. Backflow prevention assemblies shall be installed at the service connection to premises where an approved airgap does not exist and:

(1) There is an auxiliary water supply which is, or can be, connected to the potable water piping; or

(2) There is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed in proximity to potable water piping; or

(3) There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist; or

(4) There is backsiphonage potential; or

(5) Cross connections or potential cross connections exist.

**Section 7. Approved Devices and Installation Thereof; Required Methods of Backflow Prevention.**

A. New Assemblies. All backflow prevention assemblies required under this ordinance shall be of a type and model approved by the Oregon Health Division, and shall be installed in accordance with Oregon Administrative Rules 333-61-0071 Sections (1) through (4), as now existing or later amended. Suitable pressure-relief devices to prevent damage from thermal expansion shall be required in conjunction with the installation of all new backflow prevention assemblies.

B. Existing Assemblies. Backflow prevention assemblies installed before the adoption of this ordinance and which were approved by the Oregon Health Division at the time they were installed, but are not on the current list of approved assemblies, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When assemblies of this type are moved, or require more than minimum maintenance or are on services that are modified, changed size or remodeled, they shall be replaced by assemblies which are on the Oregon Health Division list of approved assemblies.

C. Required Backflow Prevention Methods. The method of backflow prevention required under this ordinance shall at a minimum be commensurate with the degree of hazard which exists, and not less than the following:

(1) When the substance which could backflow could be hazardous to health, an approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel shall be installed, or an approved reduced pressure backflow (RPBA) assembly shall be installed.

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(2) When the substance which could backflow is objectionable but does not pose an unreasonable risk to health, an approved double check valve assembly (DCVA) shall be installed. An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and /or which does not provide for periodic flow through during each 24 hour period.

(3) An approved pressure vacuum breaker assembly (PVBA) or an atmospheric vacuum breaker (AVB) shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of backpressure in the downstream piping. A shutoff valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker.

#### **Section 8. Testing Required.**

**A. When Required.** The water user or the owner of the premises where one or more reduced pressure assembly (RPBA), double check valve assembly (DCVA), or pressure vacuum breaker (PVBA) have been installed shall have the assemblies tested by a certified tester at least once per year. Assemblies installed at facilities which pose an extreme health risk and assemblies which repeatedly fail shall be tested on a more frequent basis as determined by the City. Backflow assemblies which have been moved or which have been installed shall be tested before use.

**B. Malfunctioning Assemblies.** Backflow prevention assemblies found not to be functioning properly shall be promptly repaired by the owner or water user, and failure to do so may result in the denial or discontinuance of service as provided in this ordinance.

**C. Test Procedures and Reports.** Tests performed by certified testers shall be in conformance with procedures adopted under OAR 333-061-0070 (10), as now existing or later amended. Reports on the tests shall be prepared by the certified tester and copies shall be provided to the City and to the water user or owner of the premises.

**Section 9. Administrative Subsidy Program.** Consistent with the terms of this ordinance and subject to the City budget, the City Engineer may authorize administrative subsidies for the installation of required backflow prevention devices after a finding that such installation will protect the City water system and will benefit the public interest.

**Section 10. Severability.** The provisions of this ordinance are severable. If a portion of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.



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Section 11. [Emergency clause.]

*Passed by the Council and approved by the Mayor August 24, 1999.*